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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,443	04/23/2005	David Hackett	05HAC01.001	1729
Kane P.O. Box 6534 Grand Rapids, MI 49516-6534				
			EXAMINER MAH, CHUCK Y	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/532,443

Applicant(s)

HACKETT, DAVID

Examiner

Chuck Mah

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, line 3, "such as..." renders the claim indefinite.

Lines 3- 4, it cannot be understood structurally how "the wheel" and "the connection member" are being connected together be at least one bolt or rivet and a bearing assembly. As best as understood, the wheel is connected to the fork. The structural relationship between the wheel, the fork and the connection member is confusing.

In claim 15, it is not clear what structure "a first bearing", " a first member", "a second bearing" and "a second member" are referring to and how these elements are related to the structures of claim 13. For example, is the first bearing part of the bearing assembly or an additional element? What is "first part" related to the parts of claim 13? And, is the first member part of the connection member or something else?

Further, lines 2-3, "the first member is freely rotatable on a second bearing with respect to a second member connected to the first member" cannot be

understood structurally. If the second member is connected to the first member, how can the first member be rotatable "respect to a second member"?

Line 5, "such as..." renders the claim indefinite.

Claim 19 is dependent from canceled claim 3. For examination purpose "claim 3" will be treated as "claim 15".

In claim 20, it is not clear what "the second bearing" is referring to. Please check the correct dependency of the claim.

Claim 21 is vague and indefinite. From claim 15 it is understood the second member is only "adapted for connection to a frame or chassis". In claim 21, however, the "second member" is said to be "welded to the frame or chassis". It is not clear whether applicant attempts to claim a caster or a caster-frame/chassis combination. Claim 21 renders the scope of the claim confusing.

In claim 23, it cannot be understood how "a rotational bearing" is structurally and functionally related to any previously recited "bearing assembly" or "bearings".

In claim 24, again, it cannot be understood how “a pair of axially aligned rotational bearings” are structurally and functionally related to any previously recited “bearing assembly” or “bearings”.

In claim 26, line 8, it cannot be understood what element “a fixed member” is referring to and how it is related to the “outer member”. According to the description, only elements 21 and 38 are adapted to be fixedly attached to the object. None of these elements are “attached to an upper end of said fork” as stated in the claim. Apparently, “said fork” therein should have been “said upright assembly”.

Lines 12-13, it cannot be understood how a thrust bearing can be disposed between three elements—“said inner member”, “said cross member” and “said outer member”.

Further, lines 12-15, it is not clear how “a thrust bearing”, “a journal bearing” and “at least one journal bearing” are structurally related to “a plurality of bearing assemblies”. Is the “bearing assemblies” a collective name for all bearings or a specific name besides the journal/thrust bearings?

In claim 27, line 5, “a fork attached to a lower end of said upright assembly” cannot be structurally understood. From line 2 of the claim it is understood that a bearing assembly is already attached to the lower end. It is not clear whether a

fork is part of the bearing assembly that can also be attached to the lower end of the bolt.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-16, 18-22, and 24, 25 and 27, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 58126203A.

JP shows a connection member (first member 12 and second member 11), a bolt (3), bearing assemblies (6, 9), the bolt, connection member and fork rotatable to one another (a conditional statement). Note that all bearings can be defined as either “journal bearing” or “thrust bearing”, since they all tolerate both axial and radial loads. As to claim 21, process “welded to the frame or chassis” is given no patent weight.

As to claim 27, JP figure 2 has a bolt 24, a lower bearing assembly 26, an upper bearing assembly 25, an upper housing 32, a lower housing (upper part of the fork 1, clearly shown in form of a housing in figure 1).

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5. Claim 27, as best as understood, is rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE '742A1. DE shows a upper housing 30, lower housing 32.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17 and 23, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over JP58126203A in view of Hodges et al. '936.

JP discloses the invention as claimed (embodiments of figs. 1 or 2) but for the number of bearings being three. However, it would have been obvious to one of ordinary in the art at the time the invention was made to form the bearing assembly with three bearings, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

8. Claim 26 may be given favorable consideration if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

9. Applicant's arguments filed 3/8/2007 have been fully considered but they are not persuasive. See new rejections above. Further, the goal of the invention may be significantly different. However, the prior art references either meet the invention as claimed or render the invention as claimed obvious.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

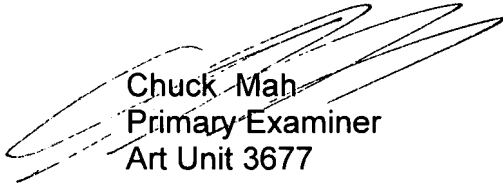
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chuck Mah  
Primary Examiner  
Art Unit 3677

CM